

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, July 12, 2006, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, June 28, 2006 Worksession.

Action: Approved as amended, (DLB/CLH, 5-0)

2. **A-6122, Appeal of f Harry W. Ridge, III** (one-story addition). Remand Order from the Court of Special Appeals.

Action: Granted the variance pursuant to the Order of the Court of Special Appeals, (WMH/DLB, 5-0).

3. **A-6114, Appeal of Newland Communities LLC and NNPII – Clarksburg LLC** (Department of Fire and Rescue Services, Notices of Violation, dated September 20, 2005). Status Report to the Board from Todd Brown, Esquire.

Action: Re-opened the record to include the Status Report from Mr. Brown, (CLH/WMH, 4-0/AIF/recused).

4. **A-6155, Petition of Stephen J. Rosen** (existing single-family dwelling and one-story addition). Letter to the Board from Casey Moore requesting an expedited hearing.

Action: Granted request for expedited hearing, (AMC/DLB, 5-0).

5. **CBA-734, Petition of Wildwood Manor Swimming Pool Association, Inc.** (community swimming pool). Letters to the Board from A. J. Gravel, President and Katherine A. O'Neill, Vice President, requesting an administrative modification. [Large exhibit: zoning vicinity map].

Action: Granted administrative modification, (AMC/WMH, 5-0).

6. **S-485, Petition of Laurence and Ann Karpman** (antique shop). Status report with a Use and Occupancy Permit as required by the Board from Anne Karpman.

Action: (1) Re-opened the record to include the status report from Ms. Karpman with attachment; (2) rescinded the Show Cause Hearing, (CLH/AMC, 5-0).

7. **S-1674, Petition of Susan Silberberg** (accessory apartment). Memorandum from Unray Peters, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked that special exception as abandoned, (WMH/CLH, 5-0).

8. **S-2261, Petition of Mark S. and Ondine L. Doore** (accessory apartment). Letter to the Board from Samuel Hernandez requesting that the special exception be revoked.

Action: Revoked the special exception as abandoned, (DLB/CLH, 5-0).

9. **S-2460, Petition of Grace House** (domiciliary care facility). Letter to the Board from Steven Orens, Esquire, and Casey Moore requesting an administrative modification. [Large exhibits: site and landscape plans].

Action: (1) Granted administrative modification with the exception OF Item No. 8/landscaping; (2) Item No. 8/landscaping request deferred until after the Community Council meeting, (DLB/AMC, 5-0).

10. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Follow-up Inspection Report from Shahriar Amiri, Chief, Division of Building Construction Services, DPS, to Gopal Janardanan.

Action: (1) Re-opened the record to include Mr. Amiri's and Ms. Piczak's memorandums, (DLB/AMC, 5-0); (2) Status Report to the Board from parties by 8/31/06, with a Board Mini Worksession 9/6/06 on the Status Reports.

11. **HE 03-1, Montgomery Cemeteries LLC (cemetery)**. Letters from Rusti Walner, Director, submitting additional information as requested by the Board and requesting an administrative modification.

Action: (1) Re-opened the record to include the additional information from Ms. Walner, (DLB/WMH, 5-0); (2) additional information required on the administrative modification's impact on the operational changes, i.e., number of visitors during the expanded hours, the number of additional employees during the expanded hours.

PENDING ITEMS:

12. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Joint Status Report and Motion to Stay from Todd Brown, Esquire; Joseph Lapan, Esquire; and Malcolm Spicer, Esquire. Also included is a letter from the Department of Fire and Rescue Services. (1) Granted continuance of the appeal until 10/26/06; (2) Board to receive status report in 90 days. [W/S 4/19/06].

13. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06].

PENDING ITEMS (continued):

14. **CBA-1203, Petition of Mariner Health of Maryland, Inc.** (nursing home). Letter to the Board from Stuart Barr, Esquire, requesting a transfer of the special exception and an administrative modification. (Large exhibits: lighting and photometric plan, survey, site plan). Item deferred for additional information, information should include a schedule of the generator operations. [W/S 2/22/06].
15. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].
16. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5/4/05].
17. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. [W/S 2/18/04].
18. **S-961, Petition of William E. Wallace, Jr.** (accessory apartment). Memorandum to the Board from Jerri Burgess, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for confirmation from DHCA that the accessory apartment has been abandoned. [W/S 2/8/06].
19. **S-1239, Petition of Ernestine and Jewel Johnson** (accessory apartment). Memorandum from John Whitt, Program Manager, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the petitioner requesting that the special exception be suspended and not revoked. Item deferred for confirmation that special exception holder resides in the house. [W/S 2/22/06].
20. **S-1365, Petition of Association for Women's Recovery Residence, Inc.** (group residential facility for exceptional persons). Letters to the Board from Tahira Azziz requesting a transfer of the special exception and an administrative modification. Item deferred for additional information. [W/S 4/14/06].
21. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].
22. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12/7/05].

PENDING ITEMS (continued):

23. **S-2453, Petition of Academy Child Development** (child day care facility). Letter to the Board from Marilyn Fleetwood, President, requesting an administrative modification. Item deferred for additional information and what will be the impact of peak travel time, consensus. [W/S 5-31-06].
24. **S-2459, Petition of Hampshire Village Associates** (life care facility). Inspection reports from Barbara Piczak, Inspector, DPS, regarding the special exception's Community Council and its parking. Board will receive an additional inspection report after the compliance deadline. [W/S 6/28/06].
25. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire, requesting a transfer of the special exception. Also included is a letter to the Board from Gopal Janardanan, President and Chief Executive Officer, requesting an inspection of the special exception by DPS. Item deferred until the Board receives DPS's inspection report. [W/S 5/31/06].
26. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letters to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan, as-built site plan and elevations). Item deferred for additional information. [W/S 12/7/05].
27. **S-2527, S2528, S-2529, Petition of Twin Ponds Farm, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Letter of complaint from Robert A. Thomassen, Diane M. Hogan, John and Stephanie Egly, and Sugarloaf Citizens Association by Jane Hunter with a request that the Board convene a revocation hearing. Also included are letters from Erica Leatham, Esquire, requesting that the Board defer this request until its next Worksession. (1) Re-opened the record to include letters dated 4/21/06, 5/1/06, 5/5/06, 5/9/06 [is there more than 3 letter ?], (2) request inspection by the Department of Permitting Services (DPS) to determine where special exception stands in terms of its implementation. [W/S 5/10/06].
28. **S-2635, Petition of New Covenant Village, LLC** (housing and related facilities for senior adults). Letter to the Board from David Freishtat, Esquire, requesting an administrative modification. (Large exhibits: overall site plan, site plan, landscape plan). (1) Granted the administrative modification as revised; (2) Board to receive the revised plans from the petitioner. [W/S 3/8/06].
29. **S-2666, Petition of Orlando Martinez and Martha Gaitan** (accessory apartment). Hearing Examiner's Report and Recommendation. Item deferred until receipt of a revised landscape plan. [W/S 6/28/06].

Board Members

Allison Ishihara Fultz, Chair
Donna L. Barron, Vice Chair
Angelo M. Caputo
Wendell M. Holloway
Caryn L. Hines

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist

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www.montgomerycountymd.gov/mc/council/board.html

WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, July 12, 2006, 9:30 a.m.

ACTION ITEMS:

1. **A-6122, Appeal of Cornerstone, Inc. by Ronald Magaha** (Department of Permitting Services (DPS) – Notice of Violation). Letter to the Board from Todd Brown, Esquire, requesting a 60-day continuance.

Action: Granted a 60-day continuance, (DLB/CLH, 5-0).

2. **A-6142, Petition of Speke Wilson** (two-story addition). Letter to the Board from Rick Matus, Case Design/Remodeling, Inc., submitting the subject property's deed and subdivision plat.

Action: Granted the variance request (DLB/CLH, 5-0).

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